

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 1, 12 and 16 have been amended to specify the epitope recognized by the claimed monoclonal antibodies. Support for the amendments is found in the specification at page 3, lines 15-21.

The specification has been amended to reflect the date and place of deposit of the hybridomas producing the monoclonal antibodies according claims 2-4. Copies of the deposit receipts are enclosed.

Turning to the Official Action, claims 2-4, 13-15 and 17-19 are rejected under 35 USC 112, first paragraph, on the basis that the specification is not enabling.

This ground of rejection is deemed to be overcome by the Deposit Declaration submitted concurrently herewith prepared in accordance with U.S. practice.

Claims 12-19 are rejected under 35 USC 112, first paragraph, on the basis that claims 12 and 16 do not specify that the primary and secondary antibodies have different epitopes. Claims 12 and 16 have been amended to clarify that the primary and secondary antibodies recognize different epitopes.

Accordingly, this ground of rejection is deemed to be overcome in view of the amendments to claims 12 and 16.

Claim 1 is rejected under 35 USC 102 as anticipated by WO 97/26331. This ground of rejection is deemed to be overcome in view of the amendments to claim 1.

Specifically, the monoclonal antibody according to the cited reference fails to disclose each feature of the claimed monoclonal antibody according to claim 1.

More specifically, the cited reference fails to disclose a monoclonal antibody which specifically binds to the amino acid sequence of the 256-586 amino acids or the 841-1052 amino acids of SEQ ID NO: 1.

Accordingly, this ground of rejection is deemed to be overcome.

Lastly, claims 12, 14-16 and 18-19 are rejected under 35 USC 103 as being unpatentable over WO 97/26331 in view of Harlow et al. This ground of rejection is respectfully traversed as applied to the amended claims.

The combined teachings of the cited references fail to disclose or suggest a NAIP assay kit which contains a primary and secondary antibody, one of said antibodies recognizing the amino acid sequence of the 256-585th amino acids of SEQ ID NO: 1, and the other antibody recognizing the amino acid sequence of the 841-1052nd amino acids of SEQ ID NO: 1.

In view of the foregoing, it is believed that each ground of rejection set forth in the Official Action have been overcome.

Reconsideration and allowance is respectfully solicited.

Respectfully submitted,

Johe IKEDA et al.

By: Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 15, 2003